Public Law 97-325
97th Congress

An Act

To authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), and for other purposes.

Oct. 15, 1982
[H.R. 6104]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Carriage of Perishable Foodstuffs Act".

International Carriage of Perishable Foodstuffs Act.
7 USC 4401 note.

FINDINGS AND PURPOSE

SEC. 2. Congress hereby finds and declares that— 7 USC 4401.

(1) the United States, as a member of the Economic Commission for Europe of the United Nations, participated in development by that Commission of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage;

(2) the agreement requires that equipment involved in the international carriage of perishable foodstuffs be inspected, tested, and certified to specified standards;

(3) this Act will make it possible for equipment in the United States to be inspected, tested, and certified in accordance with the agreement and the standards specified therein; and

(4) this Act will improve the conditions for the movement of perishable foodstuffs in international carriage in equipment owned or operated by United States firms, which will serve to protect existing trade and promote expansion of trade in perishable foodstuffs, and will improve the sale of United States manufactured equipment for use in international carriage.

DEFINITIONS

SEC. 3. As used in this Act— 7 USC 4402.

(1) The term "agreement" means the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage, and the annexes and the appendices thereto, done at Geneva, September 1, 1970, under the auspices of the Economic Commission for Europe of the United Nations.

(2) The term "contracting party" means any country that is eligible under article 9 of the agreement and that has complied with the terms of such article.

(3) The term "equipment" means the special transport equipment that complies with the definitions and standards set forth in annex 1 to the agreement, including, but not limited to, railway cars, trucks, trailers, semitrailers, and intermodal freight containers that are insulated only, or insulated and equipped with a refrigerating, mechanically refrigerating, or heating appliance.

(4) The term "perishable foodstuffs" means quick deep-frozen and frozen food products listed in annex 2 and food products listed in annex 3 to the agreement.

(5) The term "international carriage" means transportation of perishable foodstuffs if such foodstuffs are loaded in equipment or the equipment containing them is loaded onto a rail or road vehicle, in the territory of any country and such foodstuffs are, or the equipment containing them is, unloaded in the territory of another country that is a contracting party, where such transportation is by—

(A) rail,

(B) road,

(C) any combination of rail and road, or

(D) any sea crossing of less than one hundred and fifty kilometers, if preceded or followed by one or more land journeys as referred to in clauses (A), (B), and (C) of this paragraph, and the perishable foodstuffs are shipped in the same equipment used for such land journeys without transloading of such foodstuffs.

In the case of any transportation that involves one or more sea crossings other than as specified in clause (D) of this paragraph, each land journey shall be considered separately.

(6) The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

DUTIES OF THE SECRETARY OF AGRICULTURE

7 USC 4403.

SEC. 4. The Secretary of Agriculture of the United States shall be the competent authority to implement the agreement. To ensure compliance with the standards specified in the agreement, the Secretary of Agriculture may—

(1) designate appropriate organizations to inspect or test equipment, or both;

(2) issue certificates of compliance in accordance with annex 1, appendix 1, paragraph 4 of the agreement;

(3) prescribe such regulations as may be necessary to implement the agreement and administer this Act, including, but not limited to, provision for suspending or denying the designation of any organization to inspect or test equipment and for denying the issuance of certificates of compliance as may be necessary to ensure compliance with the provisions of this Act and the regulations issued thereunder;

Inspections.

(4) make periodic onsite inspections of facilities and procedures used by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act;

Reports.

(5) require submission of reports by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act;

Records.

(6) require maintenance of records by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act, such records to be made available to the Secretary upon request;

(7) inform contracting parties, through the Secretary of State of the United States, of all general measures taken in connection with the implementation of the agreement; and

(8) take such other action as may be considered appropriate to implement the agreement and administer this Act.

DUTIES OF THE SECRETARY OF STATE

SEC. 5. The Secretary of State, with the concurrence of the Secretary of Agriculture, may take such action as may be considered appropriate to assert and protect the rights of the United States under the agreement. 7 USC 4404.

FEES FOR TESTING, INSPECTION OR CERTIFICATION

SEC. 6. (a) Any organization designated by the Secretary of Agriculture to test or inspect equipment may establish reasonable fees to cover the costs of such testing or inspection. Such fees shall be payable directly to the organization by those seeking inspection or testing. 7 USC 4405.

(b) The Secretary of Agriculture may, effective October 1, 1982, fix and cause to be collected reasonable fees to cover, as nearly as practicable, the costs to the Department of Agriculture incurred in connection with the issuance of certificates of compliance as provided under section 4(2) of this Act. All fees collected shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary of Agriculture incident to the issuance of certificates of corapliance under this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 7. There are authorized to be appropriated to the Secretary of Agriculture for the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, such sums as are necessary to carry out the provisions of this Act, but not to exceed $100,000 in any fiscal year. 7 USC 4406.

ASSISTANT SECRETARY OF AGRICULTURE

SEC. 8. (a) There shall be in the Department of Agriculture, in addition to the Assistant Secretaries now provided for by law, an additional Assistant Secretary of Agriculture who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of Agriculture shall prescribe and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of Agriculture. 7 USC 2212c.

(b) Section 5315 of title 5 of the United States Code is amended by striking out "(6)" following "Assistant Secretaries of Agriculture" and inserting in lieu thereof "(7)".

(c) Section 5316 of title 5 of the United States Code is amended by striking out "Assistant Secretary of Agriculture for Administration."

Repeal.
5 USC app;
7 USC 2201 note.
Effective date.
7 USC 2212c note.

(d) Section 3 of Reorganization Plan Numbered 2 of 1953 (67 Stat. 633) is repealed.

(e) This section shall take effect on the date of enactment of this Act except that subsections (c) and (d) of this section shall take effect upon the appointment of a person to fill the successor position created by subsection (a) of this section.

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 6164 (S. 2351):

HOUSE REPORT No. 97-516 (Comm. on Agriculture).
SENATE REPORT No. 97-406 accompanying S. 2351 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 128 (1982):
May 18, considered and passed House.
Sept. 29, considered and passed Senate, amended.
Sept. 30, House concurred in Senate amendments.